

|   | <b>PAGE</b> |
|---|-------------|
| <b>Agency Profile.....</b>                      | <b>2</b>    |
| <b>Agency Fiscal Page (Gov Rec) .....</b>       | <b>5</b>    |
| <b>Change Summary .....</b>                     | <b>6</b>    |
| <b>Agency Change Items</b>                      |             |
| ⇒ Cost Increases.....                           | 7           |
| <b>Agency Revenue Summary Fiscal Page .....</b> | <b>8</b>    |
| <b>Change Items</b>                             |             |
| ⇒ Unavoidable Cost Increases.....               | 9           |
| ⇒ Designates that this item is a change item    |             |

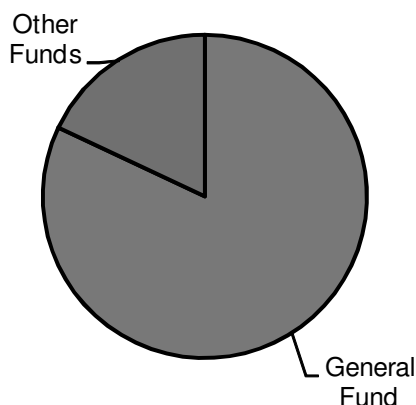
### Agency Purpose

The State Guardian Ad Litem (GAL) Board shall create and administer a statewide, independent guardian ad litem program to advocate for the best interests of children, minor parents, and incompetent adults in juvenile and family court cases as defined in Rule 901.01 of the Rules of Guardian Ad Litem Procedure in Juvenile and Family Court. The Legislature created this new Board to move the State Guardian Ad Litem Program out of the state court system and establish an independent guardian ad litem program.

### At a Glance

- 10 GAL programs, one in each judicial district
- State supervised, district administered
- \$24 million two-year budget
- 659 guardians ad litem, 210 employees and 449 volunteers
- Compliant with federal mandate to provide a GAL for every abused or neglected child whose case enters the court system
- Best interests, lay advocacy model
- Over 14,000 children served on over 8,000 cases annually

**Est. FY 2010-11 Expenditures by Fund**



Source: Consolidated Fund Statement.

### Strategies

For the past eight years, the State GAL Program has functioned as a mandated service housed within the State Court Administrators Office. The Minnesota Judicial Council has created policies and procedures that have strategically led the Program to achieve its primary mission of providing a qualified, well trained GAL for every abused or neglected child whose case enters the court system. These policies and procedures address the prioritization of case types to ensure that Program resources are utilized on the highest priority cases while providing judges with guardians ad litem on permissive appointments to the extent possible without compromising service for mandated appointments. The creation and implementation of a database tailored specifically for the needs of the GAL Program allows GAL Program Managers, Judicial District Administrators, and the Judicial Council to make well-informed, calibrated decisions regarding all aspects of program management.

### Core Functions for the New GAL Board

The legislation for the new GAL Board enumerates the following mandatory and permissive duties and responsibilities for the Board:

The Board shall:

- Approve and recommend to the Legislature a budget for the board and the guardian ad litem program;
- Establish procedures for distribution of funding to the guardian ad litem program; and
- Establish guardian ad litem program standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect a guardian ad litem's work, including the Minnesota Indian Family Preservation Act under Minn. Stat. 260.751 to 260.835; the federal Multiethnic Placement Act of 1994 under United States Code, title 42, section 662 and amendments; and the federal Indian Child Welfare Act under United States Code, title 25, section 1901 et seq.

The Board may:

- Adopt standards, policies, or procedures necessary to ensure quality advocacy for the best interests of children;
- Propose statutory changes to the legislature and rule changes to the Supreme Court that are in the best interests of children and the operation of the guardian ad litem program; and
- Appoint an advisory committee to make recommendations to assist the board in its duties and to report to the board on issues related to the guardian ad litem program; the advisory committee shall expire on June 30, 2014.

Under the legislation, the Board is to be established by October 1, 2010, and the program administrator is to be hired during fiscal year 2011. During fiscal 2011, the State Court Administrator's Office and the Judicial Districts will to continue to provide administrative support and management oversight until directed otherwise by the Board.

### Key Activity Goals and Measures

The primary mission of the GAL Program is to provide a qualified, well trained GAL for every abused or neglected child whose case enters the court system. In 2009, the Program provided coverage on 7,980 juvenile cases and 4,229 family cases for a combined total of 12,209 cases.

- Since full state funding occurred for the GAL Program (July 2001), coverage on mandated abuse/neglect cases has gone from approximately 55% of all cases (2001) to 99% of all cases (2007 – 2009). Federal and State mandates dictate 100% coverage on these case types.

The Program cannot guarantee its ability to meet mandated coverage levels and provide coverage on permissive appointments, especially high conflict family cases, without adequate funding resources. Guardian ad litem services are critical to dealing effectively with the most vulnerable persons who come into our courts—abused and neglected children.

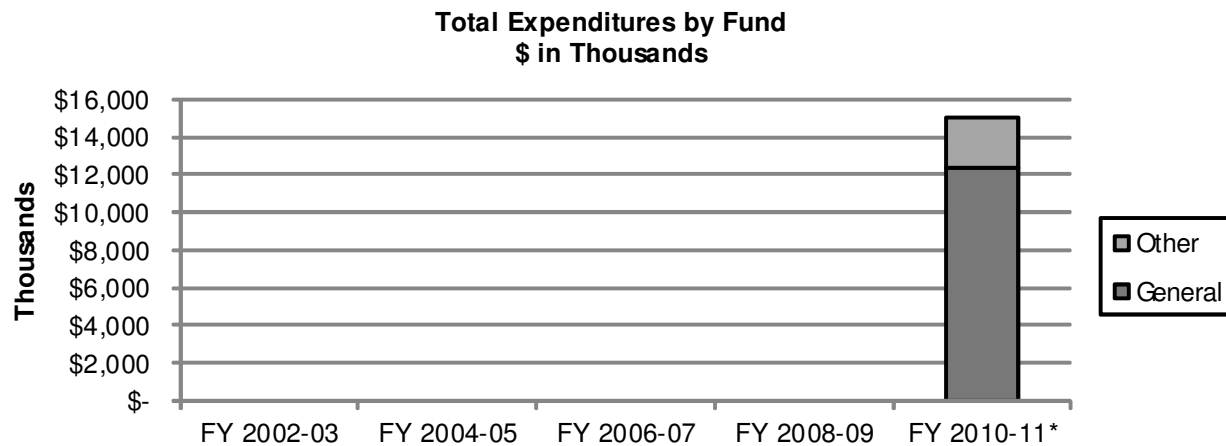
### Operations

Guardians ad litem, whether employees or volunteers, perform their role consistent with Minn. Stat. 260C.163. Subd. 5 in juvenile court, Minn. Stat. 518.165 in family court, and the Minnesota Rules of Guardian Ad Litem Procedure in Juvenile and Family Court. One of the more common avenues to the appointment of a GAL in juvenile court is when a Child In Need of Protection or Services (CHIPS) petition is filed by a county social services agency that alleges a statutory basis of abuse or neglect. A GAL is automatically appointed to conduct an independent investigation of the child's and family's circumstances and make recommendations to the court for the best interests of the child. In family court, often guardians ad litem are appointed in cases involving high conflict, complicated child custody or parenting time disputes.

Under the legislation, the Board is to be established by October 1, 2010, and the program administrator is to be hired during fiscal year 2011. During fiscal 2011, the State Court Administrator's Office and the Judicial Districts are to continue to provide administrative support and management oversight.

### Budget Trends Section

For the GAL Board, General Fund direct appropriations are the primary funding source. The FY 2011 General Fund appropriation totals \$12.7 million. Funds in the Other category total \$2.7 million and are attributable to Guardian ad Litem fees. These fees are collected in proceedings in which the court appoints a GAL and determines the parents are able to pay for these services. Prior to FY 2011, funding for the GAL program was included in the Judicial Branch Trial Court budget.



*\* FY 2010-11 is estimated, not actual.*

*Other revenues are attributable to Guardian ad Litem Fees.*

*Source data for the previous chart is the Minnesota Accounting and Procurement System (MAPS) as of 08/26/2010.*

Significant external factors impacting the GAL Board's operations include: Economic downturn/recession; fluctuations in social services agencies resources and decisions regarding child protection cases; growing complexity of Children in Need of Protective Services (CHIPS) cases; fluctuations in filings in family court; increasing complexity of family court cases; diminished availability and accessibility to other professionals in family court; growing immigrant communities; relations with Minnesota's Native American and other diverse communities; employment market as it impacts the ability to recruit and retain well-qualified guardians ad litem.

### **Contact**

State GAL Program Web site: <http://www.mncourts.gov/?page=149>

State Court Administration

Court Services Division

General Number: (651) 297-7485

GAL Program Analyst: (651) 297-1145

# GUARDIAN AD LITEM BOARD

## Agency Overview

| Dollars in Thousands                        |            |               |                  |               |               |
|---|------------|---------------|------------------|---------------|---------------|
|   | Current    |               | Governor Recomm. |               | Biennium      |
|   | FY2010     | FY2011        | FY2012           | FY2013        | 2012-13       |
| <b><u>Direct Appropriations by Fund</u></b> |            |               |                  |               |               |
| <b>General</b>                              |            |               |                  |               |               |
| Current Appropriation                       | 0          | 0             | 0                | 0             | 0             |
| <b>Recommended</b>                          | <b>0</b>   | <b>0</b>      | <b>12,431</b>    | <b>12,632</b> | <b>25,063</b> |
| Change                                      |            | 0             | 12,431           | 12,632        | 25,063        |
| % Biennial Change from 2010-11              |            |               |                  |               | n.m.          |
| <b><u>Expenditures by Fund</u></b>          |            |               |                  |               |               |
| <b>Direct Appropriations</b>                |            |               |                  |               |               |
| General                                     | 0          | 12,367        | 12,431           | 12,632        | 25,063        |
| <b>Statutory Appropriations</b>             |            |               |                  |               |               |
| Miscellaneous Special Revenue               | 0          | 1,614         | 1,215            | 1,100         | 2,315         |
| <b>Total</b>                                | <b>0</b>   | <b>13,981</b> | <b>13,646</b>    | <b>13,732</b> | <b>27,378</b> |
| <b><u>Expenditures by Category</u></b>      |            |               |                  |               |               |
| Total Compensation                          | 0          | 9,750         | 9,814            | 10,015        | 19,829        |
| Other Operating Expenses                    | 0          | 4,231         | 3,832            | 3,717         | 7,549         |
| <b>Total</b>                                | <b>0</b>   | <b>13,981</b> | <b>13,646</b>    | <b>13,732</b> | <b>27,378</b> |
| <b><u>Expenditures by Program</u></b>       |            |               |                  |               |               |
| Gal   | 0          | 13,981        | 13,646           | 13,732        | 27,378        |
| <b>Total</b>                                | <b>0</b>   | <b>13,981</b> | <b>13,646</b>    | <b>13,732</b> | <b>27,378</b> |
| <b>Full-Time Equivalents (FTE)</b>          | <b>0.0</b> | <b>171.0</b>  | <b>169.7</b>     | <b>168.4</b>  |               |

# GUARDIAN AD LITEM BOARD

## Change Summary

| <i>Dollars in Thousands</i>                |        |                    |        |          |
|--|--------|--------------------|--------|----------|
|  | FY2011 | Governor's Recomm. |        | Biennium |
|  |        | FY2012             | FY2013 | 2012-13  |
| <b>Fund: GENERAL</b>                       |        |                    |        |          |
| FY 2011 Appropriations                     | 0      | 0                  | 0      | 0        |
| <b>Technical Adjustments</b>               |        |                    |        |          |
| Transfers Between Agencies                 |        | 12,367             | 12,367 | 24,734   |
| <b>Subtotal - Forecast Base</b>            | 0      | 12,367             | 12,367 | 24,734   |
| <b>Change Items</b>                        |        |                    |        |          |
| Cost Increases                             | 0      | 64                 | 265    | 329      |
| <b>Total Governor's Recommendations</b>    | 0      | 12,431             | 12,632 | 25,063   |
| <b>Fund: MISCELLANEOUS SPECIAL REVENUE</b> |        |                    |        |          |
| Planned Statutory Spending                 | 1,614  | 1,215              | 1,100  | 2,315    |
| <b>Total Governor's Recommendations</b>    | 1,614  | 1,215              | 1,100  | 2,315    |

## GUARDIAN AD LITEM BOARD

Change Item: Cost Increases

| Fiscal Impact (\$000s) | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|------------------------|---------|---------|---------|---------|
| General Fund           |         |         |         |         |
| Expenditures           | \$64    | \$265   | \$265   | \$265   |
| Revenues               | 0       | 0       | 0       | 0       |
| Other Fund             |         |         |         |         |
| Expenditures           | 0       | 0       | 0       | 0       |
| Revenues               | 0       | 0       | 0       | 0       |
| Net Fiscal Impact      | \$64    | \$265   | \$265   | \$265   |

### Recommendation

The Governor recommends an increase of \$64,000 in FY 2012 and \$265,000 in FY 2013 to pay for anticipated cost increases related to state-paid health insurance for state employees and pension contributions. No additional funding is provided for any other compensation-related cost increases.

### Rationale

Court employees are compensated under the judicial branch compensation plan administered by the State Court Administrator's Office under the direction of the Judicial Council. The legislature created the new Guardian ad Litem Board and moved it out of the state court system; however, the same administrative support is provided through FY 2011. This recommendation would only fund anticipated cost increases related to state-paid health insurance and pension contributions. It would help the courts and related agencies to avoid further reductions in their workforce and to maintain vital judicial services to Minnesotans.

### Key Goals and Measures

Funding these anticipated cost increases will reduce the likelihood of staffing reductions in the courts, thus allowing the court agencies to accomplish their constitutional role of adjudication disputes. MN Const., Art 1, Sec.8.

**Statutory Change:** Not applicable.

# GUARDIAN AD LITEM BOARD

## Agency Revenue Summary

*Dollars in Thousands*

|                                      | Actual<br>FY2010 | Budgeted<br>FY2011 | Governor's Recomm.<br>FY2012    FY2013 |     | Biennium<br>2012-13 |
|--------------------------------------|------------------|--------------------|--|-----|---------------------|
| <b><u>Non Dedicated Revenue:</u></b> |                  |                    |  |     |                     |
| <b>Total Non-Dedicated Receipts</b>  | 0                | 0                  | 0                                      | 0   | 0                   |
| <b><u>Dedicated Receipts:</u></b>    |                  |                    |  |     |                     |
| <b>Other Revenues:</b>               |                  |                    |  |     |                     |
| Miscellaneous Special Revenue        | 0                | 625                | 625                                    | 625 | 1,250               |
| <b>Total Dedicated Receipts</b>      | 0                | 625                | 625                                    | 625 | 1,250               |
| <b>Agency Total Revenue</b>          | 0                | 625                | 625                                    | 625 | 1,250               |



## GUARDIAN AD LITEM BOARD

Change Item: Unavoidable Cost Increases

| Fiscal Impact (\$000s) | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|------------------------|---------|---------|---------|---------|
| General Fund           |         |         |         |         |
| Expenditures           | \$64    | \$265   | \$265   | \$265   |
| Revenues               | 0       | 0       | 0       | 0       |
| Other Fund             |         |         |         |         |
| Expenditures           | 0       | 0       | 0       | 0       |
| Revenues               | 0       | 0       | 0       | 0       |
| Net Fiscal Impact      | \$64    | \$265   | \$265   | \$265   |

### Recommendation

The Guardian ad Litem (GAL) Board requests \$329,000 in the FY 2012-13 biennium for unavoidable health insurance and statutorily mandated employer pension contribution increases to avoid further erosion to GAL services for vulnerable children and incompetent adults in juvenile and family court. This request represents a 1.33% increase to the GAL Board biennial base budget.

### Rationale

For the past eight years, the State GAL program has functioned as a mandated service housed within the State Court Administrator's Office and funded in the Trial Court's budget. The Legislature created a new board to move the State GAL Program out of the state court system and establish an independent guardian ad litem program, effective July 1, 2010. Under the legislation, the Board is to be established by October 1, 2010 and the program administrator to be hired in FY 2011. During FY 2011, the State Court Administrator's Office and the Judicial Districts are to continue to provide administrative support and management oversight.

Currently, the program has 171 employee FTEs, which includes the program administrator position. The GAL program is heavily reliant on state general fund appropriations. These employees are compensated under the judicial branch compensation plan.

The judicial branch employee compensation plan consists of the same four basic components as the executive branch: across the board adjustments to the salary range, merit or step increases, employer retirement contributions, and the insurance programs negotiated by Minnesota Management and Budget for all state employees.

For the FY 2010-11 biennium, the judicial branch negotiated a zero across-the-board adjustment to the salary range and zero merit and step increases for its employees. For the FY 2012-13 biennium, the GAL Board requests no additional salary funding, but requests funding for statutorily mandated increases in employer paid retirement plan contributions and for health insurance costs which are estimated to increase by 0.07% in FY 2011, by 7.7% in FY 2012 and by 16.2% in FY 2013. This request is made to avoid lay-offs and reductions to our workforce.

### Key Goals and Measures

Failure to fund unavoidable health insurance and statutorily mandated employer pension contribution increases will result in staffing reductions, which will negatively impact the ability of the GAL Board to advocate for the best interests of children, minor parents and incompetent adults in juvenile and family court cases.

**Statutory Change:** Not Applicable.